

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NELSON QUINTEROS,	:	No. 4:15-cv-02098
	:	
Petitioner,	:	(Judge Brann)
	:	
v.	:	
	:	
WARDEN MARY SABOL,	:	
	:	
Respondent.	:	

ORDER

AND NOW, this 3rd day of November, 2016, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. To the extent that it solely seeks an individualized bond hearing held by an immigration judge, the Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241, ECF No. 21, is **GRANTED**.
2. By granting the Petition, this Court confirms the need for an individualized bond hearing but expresses no opinion as to the Petition's underlying substantive arguments regarding the

propriety of detention. That determination is reserved to the discretion of the immigration judge.

3. An individualized bail hearing shall be conducted by an immigration judge within thirty (30) days of the issuance of this Order.
4. At this hearing, the immigration judge shall make an individualized inquiry into whether detention remains necessary to fulfill the purposes of ensuring that the petitioner attends removal proceedings and whether his release will pose a danger to the community, in accordance with Chavez-Alvarez v. Warden York County Prison, 783 F.3d 469, 475 (3d Cir. 2015).
5. At this hearing, the Government shall bear the burden of presenting evidence and proving that continued detention is necessary to fulfill the statutory purposes of detention, in accordance with Diop v. ICE/Homeland Sec., 656 F.3d 221, 233 (3d Cir. 2011).

6. The Report and Recommendation, ECF No. 32, submitted by United States Magistrate Judge Joseph F. Saporito, Jr., is **ADOPTED IN PART AND REJECTED IN PART**, consistent with this Order and the accompanying Memorandum.
7. The Clerk of Court is directed to close this case.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge